

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 ANTHONY BUTLER,

4 Plaintiff

Case No. 3:18-cv-00518-MMD-CBC

5 v.

6 NEVADA DEPARTMENT OF  
7 CORRECTIONS,

8 Defendant

ORDER

<input checked="checked" type="checkbox"/> FILED <input type="checkbox"/> ENTERED	<input type="checkbox"/> RECEIVED <input type="checkbox"/> SERVED ON COUNSEL/PARTIES OF RECORD
<b>OCT 31 2018</b>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

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10 **I. DISCUSSION**

11 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections  
12 ("NDOC"), has filed a notice of intent to file a complaint. (ECF No. 1-1). Plaintiff has not  
13 filed a complaint or an application to proceed *in forma pauperis* in this matter.

14 Under Federal Rule of Civil Procedure 3, "[a] civil action is commenced by filing a  
15 complaint with the court." Fed. R. Civ. P. 3. As such, the Court grants Plaintiff thirty (30)  
16 days from the date of this order to submit a complaint to this Court.

17 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
18 application to proceed *in forma pauperis* and attach both an inmate account statement  
19 for the past six months and a properly executed financial certificate. Plaintiff will be  
20 granted an opportunity to file an application to proceed *in forma pauperis*, or in the  
21 alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application  
22 to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma*  
23 *pauperis*.

24 **II. CONCLUSION**

25 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND  
26 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well  
27 as the document entitled information and instructions for filing an *in forma pauperis*  
28 application.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,

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2 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on  
3 the correct form with complete financial attachments in compliance with 28 U.S.C. §  
4 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
5 fee and the \$50 administrative fee).

6 IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court within  
7 thirty (30) days from the date of this order.

8 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the  
9 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

10 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
11 dismissal of this action may result.

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13 DATED THIS 31<sup>st</sup> day of October 2018.

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16 UNITED STATES MAGISTRATE JUDGE  
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